

By: Brown, Garza

H.B. No. 107

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain home-rule municipalities to obtain annexation approval from voters in the area to be annexed.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.0225 to read as follows:

Sec. 43.0225. VOTER APPROVAL IN AREA TO BE ANNEXED BY CERTAIN HOME-RULE MUNICIPALITIES REQUIRED. (a) This section applies only to a home-rule municipality located in a county:

(1) with a population of less than 185,000; and

(2) in which two or more municipalities with a population of more than 65,000 are wholly located.

(b) A home-rule municipality may annex an area with 50 or more inhabitants only if:

(1) the municipality holds an election in the area to be annexed for which the ballots are printed to provide for voting for or against the proposition: "Annexation of the area described in the municipal order calling this election, generally described as (a general description of the area to be annexed)"; and

(2) a majority of the votes received at the election favor the annexation.

(c) The general description on the ballot proposition may not be a metes and bounds description or a legal description and need not exactly describe the boundaries of the area. The

1 description may refer to land features, landmarks, streets or  
2 highways, subdivision names, or other commonly understood points of  
3 reference to provide the voters with a reasonable general  
4 understanding of the area to be annexed.

5 (d) The election order and the notice of the election must  
6 describe the area to be annexed by metes and bounds or by a legal  
7 description and must generally describe the area to be annexed. The  
8 general description is subject to the same provisions that apply  
9 under Subsection (c) to the general description on a ballot  
10 proposition.

11 (e) If the annexation is not approved as required by  
12 Subsection (b), the municipality may not initiate annexation  
13 proceedings in any part of the area until after the fifth  
14 anniversary of the date of the election.

15 SECTION 2. The changes in law made by this Act by the  
16 addition of Section 43.0225, Local Government Code, apply only to  
17 an annexation for which the first hearing notice required by  
18 Section 43.0561 or 43.063, Local Government Code, as applicable, is  
19 published on or after the effective date of this Act. An annexation  
20 for which the first hearing notice is published before that date is  
21 governed by the law in effect at the time the notice is published,  
22 and the former law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2011.